



W.P.No.1309 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated 22.01.2025

CORAM:

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

W.P.No.1309 of 2025 and
WMP No.1560 of 2025

Revathi

... Petitioner

Vs.

1. The Commissioner,
Hindu Religious & Charitable Endowment Department,
No.119, Uthamar Gandhi Salai, Nungambakkam,
Chennai 600 034.
2. The Assistant Commissioner,
Hindu Religious & Charitable Endowment Department,
Cuddalore District.
3. The Executive Officer,
Hindu Religious & Charitable Endowment Department,
Arulmigu Vaithiyanatha Swami Temple,
Tittakudi, Cuddalore District.

... Respondents

Prayer: Writ petition filed under Article 226 of Constitution of India seeking for issuance of Writ of Mandamus, directing the first respondent to consider the petitioner's representation dated 25.11.2024 and direct the respondents to execute a fresh lease rent in favour of the



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petitioner with a fair rent and terms as fixed therein in respect of the land survey No.137/1 in Tittakudi Nagar and Circle, Cuddalore District totally measuring and 4160 sq.ft. property belongs to Arulmigu Vaithiyanatha Swamy Temple, Tittakudi, Cuddalore District.

For Petitioner : Mr.A.Reegan Ujakar
for Mr.T.Dharani

For Respondents : Mr.S.Ravichandran, Addl.Govt.Pleader
for respondents 1 to 3.

ORDER

This writ petition is filed seeking a direction to the first respondent to consider the petitioner's representation dated 25.11.2024 seeking her recognition as lessee in the subject property and fixation of fair rent.

2. It is the case of the petitioner that the subject property has been in possession and enjoyment of the petitioner and her forefathers from the year 1970. It is also stated by the petitioner that during the life time of petitioner's father, he had been paying rent to the third respondent temple and after his death, the petitioner expressed her



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willingness to continue as tenant in the temple property. However, the third respondent did not allow the petitioner to pay the rent and initiated eviction proceedings under Section 78 of the HR & CE Act. Therefore, the petitioner submitted a representation before the first respondent expressing her willingness to continue as tenant under the temple. The petitioner also made a request for fixation of fair rent. The said representation has not been considered and hence, the petitioner has come before this court.

3. Mr.S.Ravichandran, learned Additional Government Pleader, who takes notice for the respondents would submit that already the jurisdictional Joint Commissioner has passed an eviction order against petitioner under Section 78 of the HR & CE Act, treating her as an encroacher in M.P.No.268 of 2024 on 28.01.2024 and hence, the present representation filed by the petitioner cannot be considered at this stage

4. It is seen from the typed set of papers that the eviction order was passed against the petitioner, treating her as an encroacher by the



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jurisdictional Joint Commissioner on 28.10.2024. Hence, it is always open to the petitioner to challenge the said order, if she is so advised, before the jurisdictional authority, namely the first respondent, within a time allowed under law. If any such revision petition is filed along with the stay petition, the same shall be considered and disposed of by the first respondent in accordance with law. If the petitioner failed to file any Revision, within the time allowed under law, it is open to the respondents to take further action against the petitioner in accordance with law.

5. With the above observation, this writ petition is disposed of. There shall be no order as to costs. Connected miscellaneous petition is closed.

22.01.2025

Note: Issue order copy on 22.01.2025

Index:Yes/No
Internet:Yes/No
mst



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To
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S.SOUNTHAR, J.

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